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Claims 1-12 are pending in the application. Applicants amend claims 1, 2, 4, 6-7, 9, and 11 for clarification. No new matter has been added.

Applicants appreciate the Examiner's acknowledgement of the priority claim for this application, and respectfully request that the Examiner also acknowledge receipt of all certified copies of priority documents for the application.

Claim 1 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,738,978 to Hendricks et al. in view of U.S. Patent No. 5,883,677 to Hofmann; claims 2, 3, 7, and 8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,757,909 to Maruo et al. in view of U.S. Patent No. 6,424,947 to Tsuria et al., further in view of Hendricks et al., and further in view of U.S. Patent No. 5,619,247 to Russo; claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruo et al. in view of Tsuria et al., further in view of Hendricks et al., further in view of Hofmann, and further in view of U.S. Patent No. 5,619,247 to Russo; claims 6, 9, and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruo et al. in view of Hendricks et al., and further in view of Hofmann; and claims 11 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Maruo et al. in view of Hendricks et al., and further in view of Russo. Applicants amend claims 1, 2, 4, 6-7, 9, and 11 in a good faith effort to clarify the invention as distinguished from the cited references, and respectfully traverse the rejections.

Applicants, again, respectfully submit that their arguments were not mere individual attacks against each cited reference on features that the Examiner relied upon another reference for supporting the rejections. Applicants remarks directly corresponded with the manner in which the Examiner cited and relied upon the references.

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The Examiner relied upon Hofmann specifically as a combining reference that allegedly discloses the claimed feature of “holding, by predetermined identification information holding means, identification information for identifying said distributed contents and said distribution mechanism,” as relied upon Hendricks et al. as the principal reference that allegedly discloses the remaining features of the claimed invention.

Specifically, the Examiner relied upon the description of communications media 216 in Hendricks et al. for transmitting a number of different kinds of signals from a cable headend 208 to a set top terminal 220 as alleged disclosure of the claimed feature of embedding digital information to distributed contents. Page 3, lines 1-10 of the Office Action. Applicants respectfully submit that Hendricks et al. merely describe the communications media 216—plural—being a mechanism suitable for transmitting the various signals. Indeed, Hendricks et al. describe two separate functions performed by the headend 208, one as a signal processor 209 for processing contents signals, and one as a network controller 214 that separately controls and polls set top terminals for control information. Please see, e.g., col. 11, lines 22-45 and 50-65 of Hendricks et al. Correspondingly, Hendricks et al. describe the set top terminal 220 receiving “the individually compressed program and control signals.” Col. 13, lines 1-3 of Hendricks et al. Thus, Hendricks et al., as cited and relied upon by the Examiner, merely describe communications media for transmitting a number of different signals, and do not disclose or suggest embedding content control information to a content signal.

Thus, again, even assuming, arguendo, that it would have been obvious to combine Hendricks et al. and Hofmann, such a combination would still have failed to teach or suggest,

“[a]method for managing fees of contents in which the fees arise based on a predetermined charging rule upon distributing the contents, said method comprising the steps of:

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equipping information gathering means on a network with which a user terminal is allowed to connect, said user terminal carrying out information processing by utilizing said contents; embedding digital information to said contents, said digital information itself providing functionality to said user terminal to autonomously transmit a contents distributing history to said information gathering means at a predetermined timing while said user terminal is connected with said network; distributing said contents with said digital information being embedded through a predetermined distribution mechanism; holding, by predetermined identification information holding means, identification information for identifying said distributed contents and said distribution mechanism; counting a distribution condition of contents per distribution mechanism based on said contents distributing history gathered through said information gathering means and said identification information held by said identification information holding means; and determining a charging amount per distribution mechanism based on said counted distribution condition and a charging rule for said contents," as recited in claim 1. (Emphasis added)

Advantageously, the claimed invention provides for embedding digital information that itself provides functionality to a user terminal—or forms configurations, such as a program giving a predetermined function, of the user terminal—to autonomously store and/or transmit information at a predetermined timing. Please see, e.g., page 22, line 22 to page 23, line 14 of the specification. Consequently, the embedded digital information itself provides such automatic functionality, and the user terminal need not be separately installed with specialty software or the additional functionality.

Accordingly, Applicants respectfully submit that claim 1 is patentable over Hendricks et al. and Hofmann, separately and in combination, for at least the foregoing reasons. Claims 2, 4, 6-7, 9, and 11 incorporate features that correspond to those of claim 1 cited above, and the Examiner relied upon additional references to specifically address other features recited in these claims. As such, the addition of these references would still have failed to cure the above-

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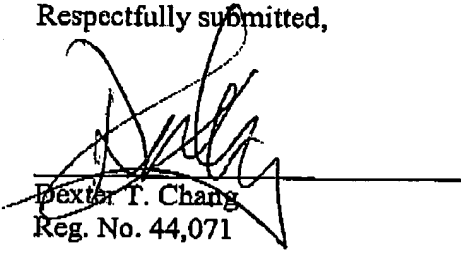
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described deficiencies of Hendricks et al. and Hofmann in disclosing or suggesting the claimed content control embedding feature, even assuming such additions would have been obvious to one skilled in the art. Accordingly, Applicants respectfully submit that claims 2, 4, 6-7, 9, and 11, together with claims 3, 5, 8, 10, and 12 dependent therefrom, respectively, are patentable over the cited references for at least the above-stated reasons.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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